

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/(954) 797-1101  
Prepared by Todd Vargo, Planner I

**SUBJECT:** Resolution  
DG 3-1-03 ICW South, 4400 Weston Road/ Generally located at the northeast corner of Weston Road and Pointe West Drive.

**AFFECTED DISTRICT:** District 4

### **TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICW SOUTH PLAT", AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** Petitioner is requesting to amend the restrictive note on the "ICW South Plat" from "This plat is restricted to 152,338 square feet of commercial use and a 125 room hotel" to "This plat is restricted to 142,338 square feet of commercial use, 108,710 square feet of automobile dealership, and 378,845 square feet of automobile storage."

The petitioner is requesting this change in order to coincide with the current development on the site as well as to accommodate planned future development. Specifically, the automobile dealership desires to add a five story parking garage which will provide automobile storage and office space as well as accommodate the service department. The petitioner requires this plat note amendment in order to proceed with the site plan, which is currently being reviewed by staff.

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** None

**RECOMMENDATION:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachments:** Resolution, Planning Report, Plat, Future Land Use Map, Subject Site, Zoning and Aerial Map

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF THE "ICW SOUTH PLAT", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the subdivision plat known as the ICW South Plat was recorded in the public records of Broward County in Plat Book 163, Page 45; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the ICW South Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning & Zoning Division Staff**  
**Report and Recommendation**

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**APPLICANT INFORMATION**

<b><u>Owner:</u></b>		<b><u>Agent:</u></b>	
<b>Name:</b>	Willow Acquisitions, LLC	<b>Name:</b>	William Laystrom, Jr.
<b>Address:</b>	2036 Washington Street	<b>Address:</b>	1177 SE 3 <sup>rd</sup> Avenue
<b>City:</b>	Hanover, MA 02339	<b>City:</b>	Fort Lauderdale, FL 33316
<b>Phone:</b>	(508) 833-1101	<b>Phone:</b>	(954) 762-3400

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**BACKGROUND INFORMATION**

**Application History:** No deferrals have been requested.

**Application Request:** Petitioner is requesting to amend the restrictive note on "ICW South Plat" from "This plat is restricted to 152,338 square feet of commercial use and a 125 room hotel" to "This plat is restricted to 142,338 square feet of commercial use, 108,710 square feet of automobile dealership, and 378,845 square feet of automobile storage."

**Address/Location:** 4400 Weston Road/Generally located at the northeast corner of Weston Road and Pointe West Drive.

**Future Land Use Plan Designation:** Commercial

**Zoning:** Business Park (BP)

**Existing Use:** Automobile dealership and shopping plaza.

**Proposed Use:** 142,338 square feet of commercial use, 108,710 square feet of automobile dealership, and 378,845 square feet of automobile storage.

**Parcel Size:** 31.512 acres (1,372,560 square feet)

**Surrounding Uses:**

**North:** Commercial  
**South:** Residential (City of Weston)  
**East:** Transportation (I-75)  
**West:** Vacant and Residential (City of Weston)

**Use Plan Designation:**

Commercial  
Residential (1 DU/AC)  
(City of Weston)  
Transportation  
Employment Center - High  
(City of Weston)

**Surrounding Zoning:**

**North:** Business Park District (BP)  
**South:** Low Density Dwelling District (City of Weston)  
**East:** Transportation District (T)  
**West:** Commercial (City of Weston)

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**ZONING HISTORY**

**Related Zoning History:** This parcel is subject to a 1995 Settlement Agreement commonly referred to as the “Pasadena Imagination Farms” and “ICW” Agreement.

**Previous Request on same property:** P 1-3-96, the ICW South Plat, was approved by Resolution R-96-221 on July 17, 1996 by Town Council. The plat was recorded by Broward County on October 30, 1997 in Plat Book 163, Page 45 of the Broward County Records.

A Developers Agreement for remedial measures to satisfy concurrency requirements between the previous owners, Silverado Development, Broward County and the Town of Davie for the ICW North and South plats was passed by Town Council by R-96-371 on November 20, 1996.

On February 5, 1997, Town Council approved R-97-040 a Delegation Request for the ICW South Plat.

On November 4, 1998, Town Council approved R-98-346 a Developers Agreement between Broward County, the Town of Davie and the successors in interest to Silverado Development Corporation providing for remedial measures to satisfy concurrency requirements for the ICW North and South Plats.

On October 4, 2000, Town Council approved R-2000-240 a delegation request to amend the restrictive note to provide for a 57,338 square foot decrease of commercial use and to also provide for 60,000 square feet of auto dealership within the ICW South Plat.

Town Council approved a special permit on November 2, 2000 allowing the filling of a lake with material obtained from off premises in excess of 3,000 cubic yards.

A vacation of portions of Pointe West Drive road right-of-way, utility easements together with lake bank and lake maintenance easements was approved by Town Council on November 15, 2000 by Ordinance No. 2000-37.

On December 20, 2000, Town Council approved R-2000-301 a delegation request to correct the previously approved note amendment by changing the auto dealership square footage from 60,000 square feet to 62,150 square feet.

On January 3, 2001, Town Council approved Ordinance No. 2001-8 which rezoned the subject site from BP, Business Park District to BP, Business Park District amending the approved conceptual master plan. The amended plan eliminated 4.81 acres of lake area and shortened Pointe West Drive.

On May 2, 2001, Town Council approved a site development plan permitting the construction of a 60,276 square foot auto dealership on 8.93 gross acres.

Town Council approved a variance request to reduce the width of four landscape medians for double parking from 10 to 0 feet and to reduce the width of one terminal island from 10 to 6.92 feet on June 20, 2001.

On June 20, 2001, Town Council approved R-2001-177 a delegation request to amend the restrictive note to 142,338 square feet of commercial use and 67,400 square feet of automobile dealership.

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### APPLICATION DETAILS

Petitioner is requesting to amend the restrictive note on the "ICW South Plat." The applicant also has a pending site plan application for the automobile dealership. This plat note amendment is required in order to proceed with the site plan.

**Current Plat Note:** This plat is restricted to 152,338 square feet of commercial use and a 125 room hotel.

**Proposed Plat Note:** This plat is restricted to 142,338 square feet of commercial use, 108,710 square feet of automobile dealership, and 378,845 square feet of automobile storage.

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### Applicable Codes and Ordinances

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

The Broward County Land Development Code requires Delegation Requests for plat note revisions.

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### Significant Development Review Agency Comments

Broward County Development Management Division is the County lead agency in assessing the impact of development through the plat and/or delegation request process. Broward County requires that the petitioner request to amend or revise the level of approved development on the plat. Such requests must be approved by the local municipality and County Commission, and then subsequently recorded against the plat. As part of the delegation request process, the property would be reviewed for traffic concurrency and assessed any additional traffic impact fees, or mitigation measures, as applicable.

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## Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 1. This Planning Area constitutes the southwestern most portion of the Town, encompassing all of the land south of Griffin Road and west of southwest 148 Avenue. The Ivanhoe development constitutes most of this planning area, which is essentially programmed for low density (3 dwellings per acre) residential development. There are parcels designated for commercial use located in the southern and northern ends of the Ivanhoe development at the intersection of I-75 with Sheridan and Griffin Roads, and Orange Drive.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 115.

**Broward County Land Development Code:** The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

**Applicable Goals, Objectives & Policies:** The proposed plat is generally consistent with the goals, objectives and policies of the Comprehensive Plan.

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### Staff Analysis/Findings of Fact

The proposed amendment is consistent with the existing and proposed use of the subject site. Only Parcel B is affected by this delegation request. This amendment will increase trips to the regional road network. The applicant is aware of this and has been working with Broward County to address the issue. Approval of this request is subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the delegation request shall be deemed denied by the Town of Davie.

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### Staff Recommendation

**Recommendation:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

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### Exhibits

1. Justification letter
2. Plat
3. Future Land Use Map
4. Subject Site, Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

## **JUSTIFICATION FOR DELEGATION REQUEST**

**RE: ICW South Plat  
Plat Note Amendment Application**

The ICW South Plat consists of a number of different commercial uses. The applicant seeks this Plat Note Amendment to change the restrictive note on the plat to coincide with the development of the site as it is occurring, as well as to accommodate additional commercial uses.

Specifically, Rick Case Honda seeks to expand its dealership by adding a 5 story parking garage for vehicle storage that will also accommodate the service department and office space on the ground floor. The amendment seeks to delete the 125 room hotel and to provide for the car dealership and auto storage. This does represent an increase in vehicle trips, but the applicant has been working with Broward County to address this issue and to adequately mitigate the impact of this project on the nearby roadways.

The pending site plan application requires this plat note amendment in order for the site plan to go forward. Since the dealership is operational, this plat note amendment will conform the plat note to the level of development, while providing for the necessary expansion.

10W SOUTH

A PORTION OF SECTION 23, TOWNSHIP 30 SOUTH, RANGE 40 EAST  
IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public in and for the State of Florida  
My Commission Expires \_\_\_\_\_

WITNESSES my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.



BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

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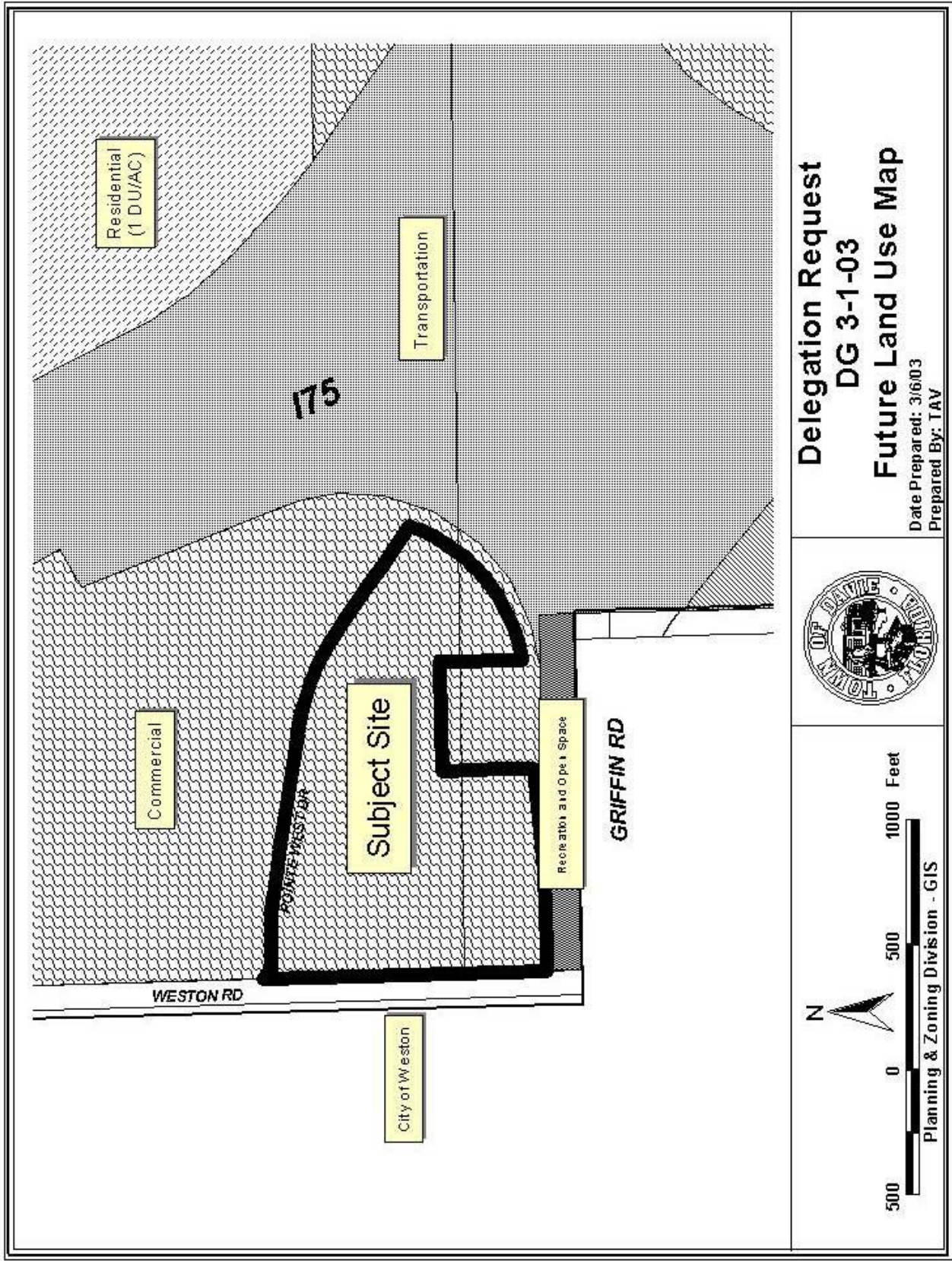
Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public in and for the State of Florida  
My Commission Expires \_\_\_\_\_

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12/31/00



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Planning & Zoning Division - GIS



## DELEGATION REQUEST

DG 3-1-03

## Subject Site, Zoning and Aerial Map

Date Prepared: 3/5/03

Prepared By: TAV